

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7794 OF 2004

Cyrus K.Nagarwalla, .. Petitioner

Vs

1. Khodu R.Shellangi and ors. .. Respondents

Mr R.D.Soni with Mr S.J.Thakur, for the petitioner.

Mrs V.B.Thadani, for respondent nos 1 to 3.

CORAM : D.B.BHOSALE, J.

DATE : 21st September, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The petitioner's application under section 24 of the Code of Civil Procedure seeking transfer of his two suits, viz. S.C.Suit Nos 3815/96 and 6215/96, to any other Judge of the City Civil Court, has been rejected by the impugned order.

3. I have perused the impugned order by which the application has been rejected and the other material placed before me including the averments in the writ petition. In my opinion, no ground whatsoever is made out warranting interference by this court in the impugned order rejecting the application seeking transfer of the suit as prayed for in the application. Mr Soni, learned counsel for the petitioner, however, states that the concerned learned Judge has informed the

Principal Judge of the City Civil Court that he may be relieved from the said suits. There is nothing on record except the averment made to that effect in paragraph 12 of the petition. It is always open for the learned Judge to recuse himself from the suit, if he so desires. However, I do not wish to express any opinion and leave it to the learned Judge to take appropriate decision. In view of this, the writ petition is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)